PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Brian J. Brown, et al.

Application No.:

09/197,278

Filed:

November 20, 1998

For:

LONGITUDINALLY FLEXIBLE

EXPANDABLE STENT

Examiner:

Lien Ngo

Group Art Unit:

3731

Commissioner for Patent Washington, D.C. 20231

Docket No.: S63.2-6769

FIFTH SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Listed below or on an attached Form PTO-1449 and/or a copy of a PTO-892 form is information known to applicant(s). A copy of each listed publication, U.S. patent, foreign patent and U.S. patent application is being submitted herewith, along with a concise explanation of information in a foreign language, if any, pursuant to 37 C.F.R. §1.97-1.98, except that U.S. applications from which priority is claimed under 35 U.S.C. §120, and documents cited in such priority applications, may be omitted from the enclosures pursuant to 37 C.F.R. 1.98(d). Applicant's submission of copies of U.S. applications does not constitute a waiver of the confidentiality of such applications. As such, Applicant requests that any copies of unpublished US applications submitted herewith be excluded from the file wrapper pursuant to 37 C.F.R. §1.14.

Applicants respectfully request that the listed information be considered by the Examiner and be made of record in the above-identified application. If form PTO-1449 or PTO-892 from a prior application is enclosed, the Examiner is requested to initial and return it in accordance with MPEP §609.

This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in

BEST AVAILABLE COPY

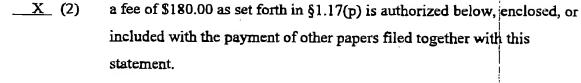
Information Disclosure Statement Application No. 09/197,278 Page 2

§1.56.

Applications that are listed on the accompanying modified form 1449 as related by priority are related by priority claim under 35 USC §120. Pursuant to 37 CFR §1.98(d), no copies of cited art in a previous application(s) to which priority was claimed need be submitted. Applicant is providing copies of the 1449 and/or 892 forms from these cases.

I.	This	statem	ent qualifies as a no-fee Information Disclosure Statement under 37 C.F.R.		
§1.97(b)	or oth	nerwise	because to the knowledge of the undersigned attorney it is being filed		
(check all	l that	apply):			
_		(1)	within 3 months of the filing date of the application (other than a CPA); o		
		(2)	within 3 months of entry of the national stage; or		
_		(3)	before the mailing of a first Office Action on the merits;		
_		(4)	before the mailing of a first Office Action after the filing of a request for		
			continued examination (RCE) under §1.114;		
_		(5)	as part of a continued prosecution application (CPA); or		
_		(6)	during the period of a suspension of action for a CPA under \$7 C.F.R.		
			§1.103(b).		
_ <u>х</u> п	. Th	is stater	nent is believed to require a fee or the submission of a certification under		
3	7 C.F	.R. §1.9	7 (c) or otherwise. If this statement is being filed after the latest of: (1)		
th	three months beyond the filing date of a national application (other than CPA); (2) three				
m	months beyond the date of entry of the national stage as set forth in §1.491 in an				
in	international application; (3) the mailing of a first Office Action on the merits; (4) the				
т	mailing of a first Office Action after the filing of a request for continued examination				
ນ	under §1.114; or (5) after the filing of a request for a continued prosecution application,				
bi	ut bef	fore the	mailing date of the earlier of a final office action under $\S1.113$, a notice of		
al	lowa	nce und	er §1.311 or an action that otherwise closes prosecution in the application,		
th	en:				
_		(1)	a certification as specified in §1.97(e) is provided below; or		
·			BEST AWAILABLE COPY		

Information Disclosure Statement Application No. 09/197,278 Page 3



- III. 37 C.F.R. §1.97(d). If this statement is being filed after the mailing date of the earlier of a final office action under §1.113, a notice of allowance under §1.311, or an action that otherwise closes prosecution in the application, but before payment of the issue fee, then:
 - (1) a certification as specified in §1.97(e) is completed below; and
 - (2) a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with payment of other papers filed together with this statement.
- X IV. Fee Authorization. If any fee is due for consideration of this Information Disclosure Statement and full payment has not been submitted herewith, regardless of which boxes have been checked above, the Commissioner is hereby authorized to charge any additional fees associated with this communication to Deposit Account No. 22-0350. The Commissioner is hereby authorized to credit any overpayment associated with this communication to Deposit Account No. 22-0350.

If paragraph II.1 or III is checked, also check one of the paragraphs below

 I hereby certify, under 37 CFR §1.97(e)(1), that each item of information co	ntained in this
Information Disclosure Statement was first cited in a communication from a	foreign
patent office in a counterpart foreign application not more than three months	prior to the
date of the filing of this information disclosure statement.	

I hereby certify, under 37 CFR §1.97(e)(2), that no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and to the knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

BEST AVAILABLE CODY

Information Disclosure Statement Application No. 09/197,278 Page 4

For the purpose of this certification, Applicant considers the PCT International Search Authority to constitute a foreign patent office.

If this Information Disclosure Statement has been submitted without the appropriate box checked, Applicant requests that this Information Disclosure Statement be considered nevertheless if it is timely submitted under any of the provisions of 37 C.F.R. §1.97 or otherwise. Finally, if any petition is necessary to ensure consideration of this Information Disclosure Statement, Applicant requests that this be treated as such a petition.

Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS, P.A.

Date: June 26, 2001

Registration No.: 41,795

Suite 2000 6109 Blue Circle Drive Minnetonka, MN 55343-9185 Telephone: (952) 563-3000 Facsimile: (952) 563-3001 F:\WPWORKUG\6769-IDS.626

BEST AVAILABLE COPY